(24)

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P. (S) No. 5906 of 2007

PETITIONER Bhupendra Nagwanshi, aged about 46 years, s/o late Sukhdeo Singh, r/o village Baiganpuri, Tah. Bhanupratappur, Distt. Kanker (C.G.) at present Boys Hostel, Korar

Versus

RESPONDENTS

1 State of Chhattisgarh, Through : The Secretary, Department of Adim Jati Tatha Anusuchit Janjati Development, D.K.S. Bhawan, Mantralaya, Raipur (C.G.)

2 The Collector, Kanker, Distt.North Bastar Kanker (C.G)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Appearance:

Shri Rahul Jha Anthony, counsel for the petitioner.

Shri A.S. Kachhawaha, Govt. Advocate for the State/ respondents on advance copy.

ORAL ORDER
(05.10.2007)

SUNIL KUMAR SINHA, J.

Heard.

The petitioner, who is working on the post of Assistant Teacher, has challenged his order of transfer dt.22.7.2007 by which he has been transferred from Boys Hostel, Korar, Bhanupratappur to Primary School Talaboda, Block Antagarh, on administrative grounds.

Learned counsel for the petitioner argues that the transfer has been effected in ban period i.e., on 22.7.2007. On being pointedly asked, since when the petitioner is working at Korar, Bhanupratappur, learned counsel for the petitioner submits that the petitioner is working there for the last more than 5 years.

At this stage, learned counsel for the State submits that so far as ban period is concerned, the period for effecting the order of transfer has been extended upto 31.8.2007, therefore, this order has not been passed in the ban period. Except the above, no other ground has been raised before me.

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Transfer is an incidence of service. No person working on a transferable post can claim to be posted at a particular place. It is for the employer to see that who should be posted where in the interest of better function of the department as also in the public interest. It is the settled view of the Apex Court that unless the order of transfer is vitiated by malafide or extraneous considerations or is against any statutory Rules or Act, it cannot be interfered by a Court of Law.

In view of the above, I am not inclined to admit this petition for hearing. The same is dimissed at the motion stage itself.

Sd/-
Sunil Kumar Sinha
Judge